

REMARKS

This Reply is in response to the Final Office Action mailed on April 17, 2007 in which claims 1-8, 10, 12-16, 22, 23, 26, 28-34, 36-38, 40, 41, 44, 45, 47 and 50-67 were rejected. With this response, claim 1 is amended in claim 68 is added. Based upon the following remarks, Applicants respectfully requests that the Final Office Action be withdrawn; the amendment to claim 1 and the addition of claim 28 be entered; and that a new office action be issued addressing all of the pending claims and the actual arguments presented by Applicants in the previous response. Claims 1-8, 10, 12, 13, 15, 16, 22, 23, 26, 28-34, 36-38, 40, 41, 44, 45 and 51-68 are presented for reconsideration and allowance.

I. Request for Withdrawal Of Final Office Action

Applicants Respectfully Request That the Final Office Action Be Withdrawn. 37 CFR 1.104 recites

(a) *Examiner's action.*

- (1) On taking up an application for examination or a patent in a reexamination proceeding, the examiner shall make a thorough study thereof and shall make a thorough investigation of the available prior art relating to the subject matter of the claimed invention. The examination shall be complete with respect both to compliance of the application or patent under reexamination with the applicable statutes and rules and to the patentability of the invention as claimed, as well as with respect to matters of form, unless otherwise indicated.
- (2) The applicant, or in the case of a reexamination proceeding, both the patent owner and the requester, will be notified of the examiner's action. The reasons for any adverse action or any objection or requirement will be stated in an Office action and such information or references will be given as may be useful in aiding the applicant, or in the case of a reexamination proceeding the patent owner, to judge the propriety of continuing the prosecution.

....

(b) *Completeness of examiner's action.* The examiner's action will be complete as to all matters, except that in appropriate circumstances, such as misjoinder of invention, fundamental defects in the application, and the like, the action of the examiner may be limited to such matters before further action is made. However, matters of form need not be raised by the examiner until a claim is found allowable.

(c) *Rejection of claims.*

(1) If the invention is not considered patentable, or not considered patentable as claimed, the claims, or those considered unpatentable will be rejected.

(2) In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

(Emphasis added).

In the present case, the Final Office Action is incomplete as to all matters since the Office Action (1) fails to respond to or address all of Applicants' actual arguments regarding the rejections and (2) fails to provide any reasons, rationale or basis for the rejection of the previously added claims 62-67.

A. The Office Action fails to address Applicants' actual arguments regarding the rejections.

In the previous response filed by Applicants on February 2, 2007, Applicants amended several the claims and presented arguments as to how such amended claims overcame the rejections based upon either Simon US Patent 5,428,375, alone, or in combination with Rezanka US Patent 5,570,118. Although the Office Action technically has a "Response to Arguments"

section, this section fails to address the actual arguments presented by Applicants or even the limitations added by amendment. In contrast, this section of the Office Action appears to overlook limitations and arguments relating to such limitations.

1. Claim 26

Applicants' previously raised points with regard to claim 26 are identically repeated below. As evidenced below, Applicants pointed out that Simon fails to disclose multiple print units which transfer percentages of imaging medium which correspond to the number of print units used to transfer the total amount of imaging medium.

In the Response to Arguments section, the Office Action asserts of such arguments are not persuasive on the basis that:

Nothing in the claim recites what the percentage of each set of printbar would transfer to the medium, therefore Simon meets the limitation of the claim.

(Final Office Action, page 8).

However, this is not true. Claim 26 specifically recites that the:

percentages of imaging medium transferred onto the print media with the one or more printbar assemblies of the print units corresponds to the number of print units.

(Claim 26). In other words, with two print units, each print unit transfers 50%; with 4 print units, each print unit transfers 25%, with 5 print units, each print unit transfers 20% and so on.

2. Claims 13, 40 and 47

Applicants' previously raised points with regard to claims 13, 40 and 47 are identically repeated below. As evidenced below, Applicants pointed out that neither Simon nor Rezanka, alone or in combination, disclose or suggest a first print unit that transfers first and second colored chromatic mediums onto medium and a second print unit that transfers the same first and

second color chromatic mediums onto the medium with a heater that that remove moisture from the imaging medium as a medium passes between the print units (Claim 13). Neither Simon nor Rezanka, alone or in combination, disclose or suggest different print units that transfer the same chromatic colored inks (Claims 40 and 47).

The Office Action fails to address such points. In contrast, the Office Action overlooks such points. Nowhere does the Office Action even attempt to rebut the above factual points.

3. Claim 61

Applicants' previously raised points with regard to claim 61 are identically repeated below. As evidenced below, Applicants pointed out that neither Simon nor Rezanka discloses a print unit configured to transfer fixer to the medium. In fact, Applicants pointed out that the earlier Office Action failed to even allege where such references allegedly disclosed transferring fixer to a medium. Thus, not one single Office Action to date has established a prima facie case of obviousness with regard to claim 61. The present Final Office Action does not even mention such arguments regarding claim 61.

B. The Office Action fails to address previously added claims 62-67.

With the last response filed on February 2, 2007, Applicants added claims 62-67. Applicants' points for the allowability of such added claims are identically repeated below.

The Office Action fails to address such previously added claims. Although claims 62-67 are identified as being rejected in the Office Action Summary, nowhere is any basis provided for the rejection of such claims. Section 1 of the Office Action rejects claims 1-4, 26, 28 and 29 based upon Simon. Section 2 of the Office Action rejects claims 5-8, 10, 12-16, 22, 23, 30-34, 36-38, 40, 41, 44, 45, 47 and 50-61 days upon Simon and Rezanka. Nowhere does the Office Action even mention what references allegedly support the "rejection" of claim 62-67. Accordingly, the Final Office Action is incomplete under 37 CFR 1.104 and should be withdrawn. Applicants respectfully request that the above amendment to claim 1 be entered and

that a new office action be issued addressing all of the pending claims and the actual arguments presented by Applicants in the previous response

II. Rejection of Claims 1-4, 26, 28 and 29 under 35 USC 102(b) based upon Simon

Paragraph 1 of the Office Action rejected claims 1-4, 26, 28 and 29 under 35 USC 102(b) as being anticipated by Simon US Patent 5,428,375. Claims 1-4, 26, 28 and 29, as amended, overcoming rejection based upon Simon.

A. Claim 1

Claim 1 is amended. Claim 1, as amended, recites a printing system which includes a first set of printbar assemblies configured to transfer a first percentage of an imaging medium onto a first side of the print media and a second set of printbar assemblies configured to transfer a second percentage of the imaging medium onto the first side of the print media. Claim 1 further recites that the first set of printbar assemblies, when stationary, collectively span a width of the print media.

Simon fails to disclose a printing system having a first and second sets of printbar assemblies, wherein the first set of printbar assemblies, when stationary, collectively spans a width of the imaging medium. In contrast, Simon merely discloses individual carriages 28 carrying individual printheads 12. As shown by Figure 2 of Simon, all of print heads 12 are necessary to span the width of medium 14. Thus, even assuming, arguendo, that print heads 12a-12d could be characterized as the first set of printbar assemblies, Simon would then fail to disclose a second set of printbar assemblies.

Although Simon mentions that the invention could "accommodate a larger number of print heads" (Column 3, line 64), nowhere does Simon disclose that once a sufficient number of print heads are provided to span the width of medium 14, additional redundant print heads would further be added. In particular, the main objective taught by Simon is to span the width of the media a single time. This portion of Simon would appear to indicate that that for wider mediums

14 or for shorter print heads 12, additional print heads may be added. Simon does not disclose having a set of printbar assemblies that collectively span a width of the medium and then additionally providing another set of what would be redundant printbar assemblies. Simon provides no motivation or reason for having redundant printbar assemblies. Accordingly, claim 1 come as amended come overcome the rejection. Claims 2-4 depend from claim 1 and overcome the rejection for the same reasons.

B. Claim 26

Claim 26 recites a method which includes transferring a first percentage of an imaging medium onto a first side of the print media with a first printing unit and transferring a second percentage of the imaging medium onto the first side of the print media with a second print unit. The percentages of the imaging medium transferred onto the print media with the print units correspond to the number of print units.

Simon fails to disclose multiple print units which transfer percentages of imaging medium which correspond to the number of print units used to transfer the total amount of imaging medium. In rejecting claim 26, the Office Action asserts that Simon discloses this and simply refers to Figure 2 of Simon. However, neither Figure 2 nor any other portion of Simon discloses that the percentage of imaging medium applied by print heads 12 corresponds to the number of print heads 12. In other words, Simon does not disclose that because inkjet printer 10 includes four print heads 12, each print head 12 transfers 25% of the ink onto medium 14. Even if print heads 12 contained different colors, this would not necessitate the transfer of equal percentages of ink by each of print heads 12 onto medium 14. Accordingly, the rejection of claim 26 should be withdrawn. The rejection of claims 28 and 29, whieh depend from claim 26, should be withdrawn for the same reasons.

III. Rejection of Claims 2-8, 10, 12-16, 22, 23, 30-34, 36-38, 40, 41, 44, 45, 47 and 50-61 under 35 USC 103(a) based upon Simon and Rezanka

Paragraph 2 of the Office Action rejected claims 2-8, 10, 12-16, 22, 23, 30-34, 36-38, 40, 41, 44, 45, 47 and 50-61 under 35 USC 103(a) as being unpatentable over Simon US Patent 5,428,375 in view of Rezanka U. S. Patent 5,570,118. Claim 50 is canceled. Claims 8, 10, 12-16, 22, 23, 30-34, 36-38, 40, 41, 44, 45, 47 and 51-61, as amended, overcome the rejection based upon Simon and Rezanka.

Claims 2-8, 10, 12 and claim 51-60 depend from claim 1 and overcome the rejection for the same reasons discussed above with respect to the rejection of claim 1. Rezanka fails to satisfy the deficiencies of Simon. Claims 30-34 and 36-38 depend from claim 26 and overcome the rejection for the same reasons discussed above with respect to the rejection of claim 26. Rezanka fails to satisfy the deficiencies of Simon.

A. Claims 13, 40 and 47

Claim 13, as amended, recites a printing system which includes print units configured to transfer imaging medium onto a same side of a medium and a heater configured to remove moisture from the imaging medium as the medium passes between the print units. Claim 13 further recites that the print units include a first printing unit configured to transfer a first colored chromatic imaging medium and a second color chromatic imaging medium to the medium and a second print unit configured to transfer the same first colored chromatic imaging medium and the same second color chromatic imaging medium to the medium. Support for this amendment is found in at least Figure 7 of the present application which illustrates same colored chromatic imaging mediums cyan, magenta and yellow transferred to a medium by different print units 702, 704. Accordingly, no new matter is believed to be added.

Claim 40, as amended, recites a method in which ink is deposited onto a print media with multiple print units to collectively form a printed image. Deposition of the ink is performed with one or more printbar assemblies of the particular print unit. At least two of the one or more printbar assemblies of different print units have the same chromatic colored ink.

Claim 47 recites one or more computer-readable media, which when executed, direct a printing device to perform a method wherein different print units transfer same colored chromatic imaging medium onto a print media.

Neither Simon nor Rezanka, alone or in combination, disclose or suggest a first print unit that transfers first and second colored chromatic mediums onto medium and a second print unit that transfers the same first and second color chromatic mediums onto the medium with a heater that remove moisture from the imaging medium as a medium passes between the print units (Claim 13). Neither Simon nor Rezanka, alone or in combination, disclose or suggest different print units that transfer the same chromatic colored inks (Claims 40 and 47). In contrast, Simon appears to disclose that print heads 12 either deposit one color of ink or deposit different colors of ink. Nowhere does Simon disclose that print heads 12 deposit redundant colors of ink. Likewise, Rezanka also failed to disclose print units that deposit redundant chromatic colors of ink onto a medium, wherein moisture is removed from the medium as a medium passes between the print units. Accordingly, claims 13, 40 and 47, as amended, overcome the rejection based upon Simon and Rezanka. Claim 14-16 and 22-13 depend from claim 13 and overcome the rejection for the same reasons. Claims 41 and 44-45 depend from claim 40 and overcome the rejection for the same reasons.

B. Claim 61

Claim 61 corresponds to originally filed claim 16 rewritten in independent form. Claim 61 recites a printing system comprising print units configured to transfer imaging medium onto the same side of a medium. Claim 61 further recites a heater configured to remove moisture from the imaging medium as the medium passes between the print units. At least one of the print units is configured to transfer fixer to the medium.

Neither Simon nor Rezanka, alone or in combination, disclose or suggest a printing system having print units configured to transfer imaging medium onto the same side of the medium, wherein the one of the print units is configured to transfer fixer to the medium and

wherein the system further includes a heater configured to remove moisture from the imaging medium as a medium passes between the print units.

Neither Simon nor Rezanka discloses a print unit configured to transfer fixer to the medium. As with the previous Office Action dated June 7, 2006, the present Office Action fails to even assert where Rezanka allegedly discloses a print unit configured to transfer a fixer to the medium. The present Office Action also fails to identify where Simon allegedly discloses a print unit configured to transfer a fixer to the medium. In particular, relevant portions of Pages 5-7 of the Final Office Action state:

Rezanka discloses:

....

a heater configured to remove moisture from the imaging medium as the medium passes between the print units, wherein at least one of the print units is configured to transfer fixer to the medium (Fig. 1: element 212, 214).

However, nowhere does Rezanka disclose that elements 212 or 214 transfer fixer. Figure 1 also fails to disclose the transfer of a fixer. Thus, the Office Action fails to establish a *prima facie* case of obviousness. Accordingly, the rejection of claim 61 is improper and should be withdrawn.

IV. Previously Added Claims

With the response filed on February 2, 2007, claims 62-67 were added. Claims 62-67 recite additional features which further patentably distinguish such claims over the prior art of record.

A. Claim 62

Claim 62 depends from claim 1 and recites that the first set of printbar assemblies includes print heads extending along three axes substantially perpendicular to a direction in

which the print media is advanced. Support for added claims 62 may be found in Figure 4. Thus, no new matter is believed to be added.

The prior art of record fails to disclose a printbar assembly having print heads extending along three axes substantially perpendicular to a direction in which the print media is advanced. For example, Simon merely discloses print heads 12 which appear to extend along two axes. Even assuming, arguendo, that it would be obvious to add additional print heads to Simon, nowhere is a suggestion provided that such print heads would be supported along a third axis. In fact, such a modification would require a complete reconstruction of Simon. Thus, claim 62 is presented for consideration and allowance.

B. Claim 63

Claim 63 depends from claim 1 and further recites that the first set of printbar assemblies includes a plurality of print modules and a framework supporting and aligning a plurality of print modules such that the plurality of print modules are connected as a single assembly. Support for added claims 63 may be found in Figure 4 which illustrates one example framework 410. Thus, no new matter is believed to be added.

The prior art of record fails to disclose a framework which supports and aligns a plurality of print modules as a single assembly. For example, Simon merely discloses individual print heads 12 which are movable along lead screws 34. Obviously, print heads 12 are not supported by a framework as a single assembly. Thus, added claim 63 is presented for consideration and allowance. Claim 64-66 depend from claim 63 and are presented for consideration and allowance for at least the same reasons.

C. Claim 67

Claim 67 depends from claim 1 and recites that the imaging medium transferred by the first set of printbar assemblies is a chromatic color, that the imaging medium transferred by the second set of printbar assemblies is the same chromatic color and that the first printbar assembly

and the second printbar assembly transfer substantially the same percentages of the imaging medium onto the print media, the percentages corresponding to a number of printbar assembly sets in the printing system.

The prior art of record fails to disclose first and second sets of print bar assemblies that transfer the same chromatic color of imaging medium onto a medium and transfer substantially the same percentage of imaging medium, wherein the percentage corresponds to a number of printbar assembly sets in the printing system. Accordingly, claim 67 is presented for consideration and allowance.

V. Added Claim 68

With this response, Applicants respect the request entry of newly added claim 68. Added claim 68 depends from claim 26 and is believed to be patentably distinct or the card to record for the same reasons discussed above with respect to claim 26. Support for added claim 68 may be found at least in originally filed claim 27. Thus, no new matter is added.

VI. Conclusion

Upon entry of the amendments to the claims as set forth above, claims 1-8, 10, 12, 13, 15, 16, 22, 23, 26, 28-34, 36-38, 40, 41, 44, 45 and 51-68 are now pending in this application.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even

entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

Date June 18, 2007

By Todd A. Rathe

RATHE PATENT & IP LAW
Customer No. 22879
Telephone: (262) 478-9353
Facsimile: (262) 238-1469

Todd A. Rathe
Attorney for Applicant
Registration No. 38,276